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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,470	08/21/2002	Tetsuya Takashima	MATS:036	2935

7590 04/24/2003

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EXAMINER

COMAS, YAHVEH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,470

Applicant(s)

TAKASHIMA, TETSUYA

Examiner

Yahveh Comas

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 403.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "thickness" as described in the specification (page 4, line 11). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The disclosure is objected to because of the following informalities:

The title should be right in a proper way; instead of "Unit" it should said "Device".
3. Appropriate correction is required. The disclosure is objected to because of the following informalities: Instead of "arm A" it should said, "arm 12A".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

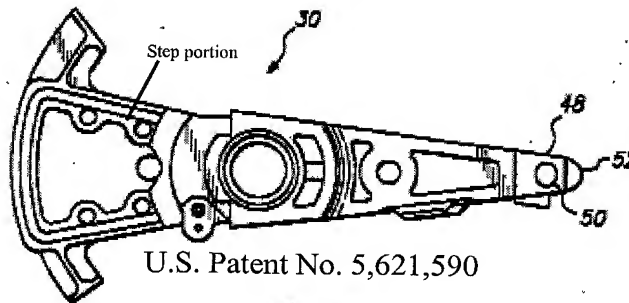


FIG. 4

5. Claim 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. U.S. Patent No. 5,600,516 in view of Pace et al. U.S. Patent No. 5,621,590.

Referring to claims 1-10, Phillips disclose an actuator (72), comprising a pair of yokes (24) opposing to each other via a first specified space, a magnet (100) fixed to at least one of said yokes, and a carriage holding a coil on one end thereof against said magnet via a second specified space and rocking about a rotary shaft. wherein said carriage comprises two coil fitting arms (86) opposing to each other and at least one through-hole (104 and 106), piercing from bottom to top of said stepped portion, whose size is larger at the bottom than at the top (see fig. 6 and 6a), said coil disposed between said two coil fitting arms (86), and a holding member (90) for securing said coil fitting arms, said through-hole (104) and said coil. Also Phillips discloses and said step portion but doesn't disclose the two coil fitting arms having a step portion. However, Pace disclose a support coil member (34) having a step portion with holes for the purpose of supporting coil (32). Also disclose said through-hole (104) is formed at boundary portion between said coil fitting arm and the use of resin for encapsulation of the coil.

It would have been obvious to one having skill in the art at the time the invention was made to modify Philips' invention and made a step portion with through-hole and use resin for encapsulation of the coil for the purpose of support the coil as Pace disclose.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. U.S. Patent No. 5,600,516 in view of Pace et al. U.S. Patent No. 5,621,590 and in further view of Umehara et al. U.S. Patent No. 5,168,185.

Phillips, as modified above, discloses the claimed invention except for the use of thermoplastic resin. However, Umehara disclose the use of thermoplastic resin for the purpose of hold member for the coil.

It would have been obvious to one having skill in the art at the time the invention was made to modify Philips' invention and use thermoplastic resin for encapsulation of the coil for the purpose of support the coil as Umehara disclose.

7. Claim 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. U.S. Patent No. 5,600,516 in view of Pace et al. U.S. Patent No. 5,621,590 and in further view of Kamigana JP Patent No. 268513.

Phillips, as modified above, discloses the claimed invention except for the use of thermosetting resin. However, Kamigana disclose the use of thermosetting (40) resin for the purpose of hold member for the coil.

It would have been obvious to one having skill in the art at the time the invention was made to modify Philips' invention and use thermoplastic resin for encapsulation of the coil for the purpose of support the coil as Kamigana disclose.

Also it would have been an obvious matter of design choice to use time-lapse setting resin, since applicant has not disclose that the time-lapse resin solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well the thermoplastic and thermosetting.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (703) 305-3419. The examiner can normally be reached on M - F 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 308-0956 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

YC
April 21, 2003



**KARL TAMAI
PRIMARY EXAMINER**